IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 28841 of 2003(H)

PETITIONER:

C.K.GEORGE, ENGINEER, CHAKIATH HOUSE,
KOTHAMANGALAM, KUTHUKUZHI P.O.

BY ADV. SRI.V.G.ARUN

RESPONDENTS:

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1. M/S. CHAKIATH FINANCING COMPANY,
REPRESENTED BY ITS MANAGING PARTNER,
C.K. JACOB, CHAKIATH HOUSE, KUTHUKUZHI P.O.

2. C.K. JACOB, CHAKIATH HOUSE,
KUTHUKUZHI, KOTHAMANGALAM

3. C.K.PETER, DO. DO.

4. THE REGISTRAR OF FIRMS C/O. REGISTRAR OF
FIRMS, VANCHIYOOR, THIRUVANANTHAPURAM

BY ADV. SRI.V.M.KURIAN
SRI.A.V.THOMAS
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS
SMT.TULASI PANICKER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: True copy of the request by the petitioner to the 4th respondent dated 20-1-1998.

Ext.P2: True copy of the counter-affidavit filed by the petitioner inO.S. No. 626/1997 of the Munsiff Court Muvattupuzha dated 1-2-2001

Ext.P3: True copy of the report by the Circle Inspector of Police dated 17-2-2001 in O.S. No.626/1997 of the Munsiff Court Muvattupuzha

Ext.P4: True copy of the I.A. No. 170/2002 in O.S. No.87/1998 of the Munsiff Court Muvattupuzha dated 22-1-2002

Ext.P5: True copy of the reply No. F-6178/2002 dated 18-4-2002 of the Registrar of Firms.

Ext.P6: True copy of the request by the petitioner to the 4th respondent dated 26-8-2002

Ext.P7: True copy of the judgment in O.P No.28779/2002 dated 10-3-2003 of this Hon'ble Court.

Ext.P8: True copy of the document executed by the petitioner dated 15-11-1997

Ext.P9: True copy of the statement by Mr. Poulose before the S.I. of police, Kothamangalam dated Nil

Ext.P10: True copy of the order No.F-2-25077/2002 dated 23-6-2003 of the 4th respondent

Ext.P11: True copy of the complaint filed by the petitioner and others before the Law Secretary dated 23-5-2003

Ext.P12: True copy of the Medical Certificate of Mr.C.K.Thomas dated 18-10-1999 issued by the St.Joseph's Hospital Kothamangalam

Ext.P13: True copy of the written statement filed by respondents 1 to 3 in O.S. No. 616/1997 of the Munsiff Court, Muvattupuzha

//True copy//

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A.K.BASHEER.J

W.P.(C) No. 28841 of 2003

Dated this the 27th day of February 2007

JUDGMENT

Ext.P10 order passed by respondent No.4, the Registrar of firms, Thiruvananthapuram is under challenge in this writ petition. According to the petitioner, neither he nor his wife had put their signature in Form No. 1 and 5 before the Registrar. However in Ext.P10 the Registrar found that the above contention is untenable. The said view was taken by the Registrar on the basis of the materials which were available before him. Learned counsel for the petitioner has raised various contentions in support of his plea that Ext.P10 order is totally vitiated and unsustainable. However the learned counsel for respondents 1 to 3 has stoutly supported and defended the impugned order. I do not propose to deal with the rival contentions of the parties at this stage, since it is the admitted position that several suits are pending before the Civil Court between the parties.

2. It is contended by the learned counsel for the petitioner that the handwriting expert had in fact found that the alleged signatures in the partnership deed were not those of his or his wife's. The learned counsel for the respondents has taken strong exception to the above contention. Yet again I refrain from making any further comment on this contention either particularly in view of the admitted position that the above and other

questions are at large in the civil suits pending now. Suffice it to say that the parties will be bound by the decisions to be taken by the Civil Court in the matter after considering the evidence that may be adduced by them. In that view of the matter the writ petition is closed . It is made clear that Ext.P10 also will be subject to the decision of the civil court.

A.K.BASHEER, JUDGE

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